

1 LESLIE MARK STOVALL, ESQ.
Nevada Bar No. 2566
2 ROSS MOYNIHAN, ESQ.
Nevada Bar No. 11848
3 STOVALL & ASSOCIATES
4 2301 Palomino Lane
Las Vegas, NV 89107
5 Telephone: (702) 258-3034
6 E-service: court@lesstovall.com
Attorney for Plaintiff
7

8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 KATHRYN MAYORGA, an individual

Case No.: 2:19-cv-00168-JAD-DJA

11
12 Plaintiff,

13 vs.

14 CRISTIANO RONALDO, individually,
15 Does I-XX and Roe Corporations I-XX;
16 Defendants.

17 **PLAINTIFF'S MOTION FOR ENTRY OF DEFAULT**

18 COMES NOW Plaintiff, by and through her attorneys, STOVALL & ASSOCIATES, and
19
20 files this motion for entry of default. This motion is based upon the pleadings and papers on file
21 herein, the memorandum of points and authorities attached hereto, and any oral argument this
22 Court may entertain should there be a hearing on the motion.

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

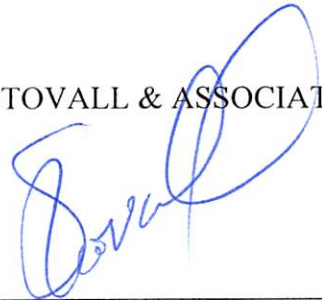
Case No.: 2:19-cv-00168-JAD-DJA

Mayorga v. Ronaldo

Motion for Entry of Default

Dated this 5th day of November, 2021.

STOVALL & ASSOCIATES



LESLIE MARK STOVALL, ESQ.

Nevada Bar No. 2566

ROSS MOYNIHAN, ESQ.

Nevada Bar No. 11848

2301 Palomino Lane

Las Vegas, NV 89107

Telephone: (702) 258-3034

E-service: court@lesstovall.com

Attorney for Plaintiff

MEMORANDUM OF POINTS AND AUTHORITIES

FRCP Rule 55(a) states:

When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure shown by affidavit or otherwise, the clerk must enter the party's default.

On January 18, 2019, the plaintiff filed her complaint United States District Court (ECF

1). On March 1, 2019, plaintiff filed a motion for order for alternative service and to extend time for service (ECF 6). On April 8, 2019, the court extended the time for service (ECF 7). On April 9, 2019, an affidavit of the status of foreign services was filed with the court (ECF 8). Service was made under the Hague Convention on April 12, 2019 and proof for service was filed on June 17, 2019 (ECF 16 and 17). Defendant filed its notice of interested parties on June 14, 2019 (ECF 9).

1 On June 14, 2019, the defendant also filed a motion for leave to file a motion to dismiss
2 in excess of 24 pages, a motion to dismiss and seal and supporting documents (ECF 10, 11 and
3 13). On July 23, 2019, Court denied the defendant's motion to file a motion to dismiss in excess
4 of 24 pages (ECF 23, page 19:14 – 18). The court granted the defendant's motion to seal to the
5 extent of the agreement itself, its exhibits, and associated side agreement, and direct quotes from
6 any of those documents (ECF 23, page 7:1 – 16).
7

8 On August 8, 2019, the defendant re-filed a motion to compel arbitration (ECF 26).
9 Plaintiff filed a response (ECF 43) and Errata (ECF 44) on September 23 – 24, 2019. The
10 defendant filed a reply (ECF 50, sealed version ECF 51) on October 14, 2019. On August 16,
11 2019, the defendant refiled a motion to dismiss (ECF 29 and sealed ECF 30). Plaintiff filed a
12 response (ECF 41) on September 20, 2019. The defendant filed a reply (ECF 52) on October 14,
13 2019. On February 4, 2020, the magistrate judge filed a report and recommendation (ECF 67).
14 The magistrate judge recommended that defendant's motion to compel arbitration and stay
15 proceedings (ECF 26) be granted and that the defendant's motion to dismiss (ECF 29) be denied
16 as moot. (ECF 67). On March 3, 2020, plaintiff filed objections to the magistrate's report and
17 recommendation (ECF 70). The defendant filed response on March 17, 2021 (ECF 71). On
18 September 30, 2020, the court sustained in part and affirmed in part the report and
19 recommendation (ECF 72). "Ronaldo's motion to dismiss (ECF 29) is denied without prejudice
20 to his ability to refile that motion, if necessary, after the court resolves Mayorga's mental –
21 capacity challenge against arbitration." (ECF 72, page 28:3 – 5).
22
23
24

25 FRCP Rule 12(a)(4)(A) requires a responsive pleading be served within 14 days after
26 notice of the court's action on a motion. Since September 30, 2020, the date of filing of the
27 court's order denying the defendant's motion to dismiss (ECF 72), the defendant has not filed an
28

1 answer in this case. The allegations of the complaint, except for damages, are admitted if a
2 responsive pleading is required and the allegation is not denied. FRCP Rule 8(b)(6).

3 It appears that the defendant was required to file an answer to the plaintiff's complaint
4 within 14 days of the court's September 30, 2020, order and has not done so. Accordingly, the
5 plaintiff seeks this court's order for entry of default and that the allegations of the plaintiff
6 complaint be deemed admitted, except for damages, pursuant the FRCP Rule 8(b)(6).

7
8 DATED this 5th day of November, 2021.

9
10 STOVALL & ASSOCIATES

11
12 
13 LESLIE MARK STOVALL, ESQ.
14 Nevada Bar No. 2566
15 ROSS MOYNIHAN, ESQ.
16 Nevada Bar No. 11848
17 STOVALL & ASSOCIATES
18 2301 Palomino Lane
19 Las Vegas, NV 89107
20 Telephone: (702) 258-3034
21 E-service: court@lesstovall.com
22 Attorney for Plaintiff
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 5th day of November, 2021, service of the foregoing Motion was made this date through the court's electronic filing system to the following:

Christiansen Trial Lawyers
710 South 7th Street, Suite B
Las Vegas, NV 89101
Phone (702) 240-7979
Fax (866) 412-6992
Attorneys for the defendant

/s/ Melina Gonzalez
An employee of STOVALL & ASSOCIATES